

3764

PATENT

Attorney Docket No. 101.0044-04000

Customer No. 22882



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/605,001

Filed: June 27, 2000

For: Apparatus and Method of Inserting
Spinal Implants

Group Art Unit: 3764

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING VIA FIRST CLASS MAIL

Date of Deposit: February 15, 2001

I hereby certify that:

1. Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
2. Form PTO-1449
3. Copies of Documents cited therein
4. Self-addressed return postcard receipt

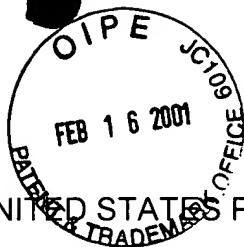
are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Date: February 15, 2001

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Attorney Docket No. 101.0044-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Gary K. Michelson, M.D.)
) (Group Art Unit: 3764)
Serial No.: 09/605,001)
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Filed: June 27, 2000) (Examiner: M. Brown)
)
For: Apparatus and Method of Inserting)
Spinal Implants)

Assistant Commissioner for Patents
Washington, D.C. 20231

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Further to the Information Disclosure Statement dated August 29, 2000 and pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of English language abstracts, Search Reports, or in some cases where available, more complete translations or U.S./U.K. related patents of the listed non-English documents (previously cited) are attached.

Please note that in the IDS submitted August 29, 2000, ES 283078 is related to U.S. Patent No. 4,877,020; JP 57-29348 is related to U.S. Patent No. 4,349,921; and

JP 61-122859 is related to U.S. Patent No. 4,759,766, all of which were also submitted in the IDS dated August 29, 2000. Additionally, the applicant submits herewith the following U.S./U.K. related patents corresponding with the following non-English references:

GB 1291470	relates to	DE 1961531
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GB 1492990	relates to	DE 2446039
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GB 1531487	relates to	FR 2295729
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US 5,279,292	relates to	DE 4104359
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Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant(s) determine(s) that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

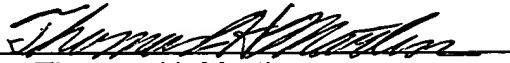
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: February 15, 2001

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Customer No. 22882

OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Atty. Docket No. 101.0044-04000

Serial No. 09/605,001

Applicant Gary K. Michelson, M.D.

Filing Date June 27, 2000

Group (3764)

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U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,279,292	01/1994	Baumann			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Yes or No
	0 162 005	11/1985	EPO			Abstract Only
	0 179 695	04/1986	Europe			Yes
	2 295 729	07/1976	France			U.K. Equivalent GB 1531487
	2 581 336	11/1986	France			Abstract Only
	2 703 580	10/1994	France			Abstract Only
Lit. 1	1961531	07/1970	Germany			U.K. Equivalent GB 1291470
	24 46 039	04/1975	Germany			U.K. Equivalent GB 1492990
	DE 3101333 A1	12/1981	Germany			Abstract Only
	DE 3132520 A1	06/1982	Germany			Abstract Only
Lit. 1	DE 3505567 A1	06/1986	Germany			Abstract Only
	DE 36 08 163 A1	09/1987	Germany			Abstract Only
	DE 41 04 359 A1	08/1992	Germany			U.S. Equivalent US 5,279,292
	1291470	10/1972	Great Britain			N/A
	1492990	11/1977	Great Britain			N/A
	1531487	11/1978	Great Britain			N/A
	57-29348	02/1982	Japan			U.S. Equivalent US 4,349,921
	60-31706	02/1985	Japan			Yes



	60-43984	03/1985	Japan			Yes
	61-122859	06/1986	Japan			U.S. Equivalent US 4,759,766
	62-155846	07/1987	Japan			Yes
	1107854	08/1984	Soviet Union			Yes
	1124960	11/1984	Soviet Union			Abstract Only
	1217374	03/1986	Soviet Union			Abstract Only
	1222254	04/1986	Soviet Union			Abstract Only
Lit. 1	283078	05/1985	Spain			U.S. Equivalent US 4,877,020
	106 101	07/1939	Sweden			English Language Search Report

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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